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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,551	09/05/2003	Diana K. Smetters	D/A3162Q	8170

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,551

Applicant(s)

SMETTERS ET AL.

Examiner

Khai M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/03, 1/26/04, 6/22/04, 10/20/04, 4/13/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement filed on November 24, 2003, January 26, 2004, June 22, 2004, October 20, 2004, and April 13, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowensohn et al. (U.S.Pub-20040230809).

Regarding claim 1, Lowensohn teaches a computer controlled (fig.1, paragraph 0037) method comprising:

establishing communication between a wireless sensor and a provisioning device over a preferred channel (fig.1, paragraph 0009, 0271, *from a plurality of unique BARB*

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badge detected by the sensor subsystem and to establish secure communication between the particular unique BARB badge and the computer-based system);

receiving provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0009-0010, 0039-0040) ; and

automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information (fig.1, 4, paragraph 0009-0010, 0059).

Regarding claim 2, Lowensohn teaches the computer controlled method of claim 1, wherein said provisioning information comprises a credential (paragraph 0038, 0043).

Regarding claim 3, Lowensohn teaches the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (fig.4, paragraph 0004, 0059).

Regarding claim 4, Lowensohn teaches the computer controlled method of claim 3, further comprising transmitting said sensor information over said secure communication channel (fig.1, paragraph 0009, 0271).

Regarding claim 5, Lowensohn teaches the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (paragraph 0038, 0043).

Regarding claim 6, Lowensohn teaches the computer controlled method of claim 1, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (paragraph 0043-0044).

Regarding claim 7, Lowensohn teaches a computer-readable storage medium storing instructions that when executed by a computer in a wireless sensor to cause the computer (fig.1-2, paragraph 0037) to perform a method comprising steps of:

establishing communication between said wireless sensor and a provisioning device over a preferred channel (fig.1, paragraph 0009, 0271, *from a plurality of unique*

BARB badge detected by the sensor subsystem and to establish secure communication between the particular unique BARB badge and the computer-based system);

receiving provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0009-0010, 0039-0040); and

automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information (fig.1, 4, paragraph 0009-0010, 0059).

Regarding claim 8, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said provisioning information comprises a credential (paragraph 0038, 0043).

Regarding claim 9, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (fig.4, paragraph 0004, 0059).

Regarding claim 10, Lowensohn teaches the computer-readable storage medium of claim 9, further comprising transmitting said sensor information over said secure communication channel (fig.1, paragraph 0009, 0271).

Regarding claim 11, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (paragraph 0038, 0043).

Regarding claim 12, Lowensohn teaches the computer-readable storage medium of claim 7, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (paragraph 0043-0044).

Regarding claim 13, Lowensohn teaches a wireless (fig.1, paragraph 0037) apparatus comprising:

at least one port configured to establish a preferred channel (paragraph 0047, 0053); a preferred channel communication mechanism configured to be able to establish communication with a provisioning device over said preferred channel (fig.1, paragraph 0009, 0271, *from a plurality of unique BARB badge detected by the sensor*

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subsystem and to establish secure communication between the particular unique BARB badge and the computer-based system);

a receiver mechanism configured to be able to receive provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0009-0010, 0039-0040); and

an automatic configuration mechanism to enable said wireless sensor to transmit sensor information over a secure communication channel established responsive to said provisioning information (fig.1, 4, paragraph 0009-0010, 0059).

Regarding claim 14, Lowensohn teaches the apparatus of claim 13, wherein said provisioning information comprises a credential (paragraph 0038, 0043).

Regarding claim 15, Lowensohn teaches the apparatus of claim 13, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data, room assignment data, sensitivity data, target data, image recognition data, activation data, or noise characteristics (fig.4, paragraph 0004, 0059).

Regarding claim 16, Lowensohn teaches the apparatus of claim 15, further comprising a transmission mechanism configured to transmit said sensor information over said secure communication channel (fig.1, paragraph 0009, 0271).

Regarding claim 17, Lowensohn teaches the apparatus of claim 13, wherein wireless apparatus further comprises a sensor for measuring said sensor information (paragraph 0009-0010, 0038, 0043).

Regarding claim 18, Lowensohn teaches the apparatus of claim 13, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (paragraph 0043-0044).

Regarding claim 19, Lowensohn teaches the apparatus of claim 13, wherein said sensor information is status information about the apparatus (fig.1, 14a, paragraph 0009-0010, 0037).

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nordman et al. (U.S.Pub-20020174073) discloses Method and apparatus for managing and enforcing user privacy.

Moreau (U.S.Pat-6061791) discloses Initial secret key establishment including facilities for verification of identity.

Hirano et al. (U.S.Pub-20010029535) discloses Method and system for providing environmental information on network.

Engberg (U.S.Pub-20030158960) discloses System and method for establishing a privacy communication path.

Conclusion

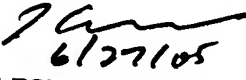
4. inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

6/14/2005


6/15/05
LESTER G. KINCAID
PRIMARY EXAMINER